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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DESIGN COLLECTION, INC., a California Corporation, Plaintiff, v. BLOOMINGDALES, INC., a Delaware Corporation; INTERZAN, LLC dba "Romeo & Juliet"; and DOES 1 through 10, Defendants.	Case No.: PLAINTIFF'S COMPLAINT FOR COPYRIGHT INFRINGEMENT Jury Trial Demanded

Design Collection, Inc., by and through its undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff Design Collection, Inc. ("Plaintiff") is a corporation organized and existing under the laws of the State of California with its principal place of business located at 2209 South Santa Fe Avenue, Los Angeles, California 90058.

5. Plaintiff is informed and believes and thereon alleges that Defendant Bloomingdales, Inc. ("Bloomingdales"), is a corporation organized and existing under the laws of the state of Ohio, with its principal place of business located at 7 West 7th Street, Cincinnati, Ohio and is doing business in and with the state of California.

6. Plaintiff is informed and believes and thereon alleges that Defendant Interzan, LLC, dba "Romeo & Juliet" ("Interzan") is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business located at 236 South La Peer Drive, Beverly Hills, California, and is doing business in and with the state of California.

7. Plaintiff is informed and believes and thereon alleges that Defendants DOES 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants

by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

8. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or adopted each of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO PLAINTIFF'S DESIGNS

9. Plaintiff owns an original work of authorship styled Caterine TVE 2247 1501 ("Subject Design A"). Prior to the acts complained of herein, Subject Design A was registered with the United States Copyright Office.

10. Plaintiff owns an original work of authorship styled 16649 ("Subject Design B") which is a derivative of Subject Design A. Subject Design B has been registered with the United States Copyright Office.

11. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing Subject Design B to numerous parties in the fashion and apparel industries, including sampling fabric bearing Subject Design B to Defendant Interzan.

12. Plaintiff is informed and believes and thereon alleges that following its distribution of the Subject Design B, including its sampling of fabric bearing Subject Design B to Defendant Interzan, Defendants, and each of them, distributed and/or sold fabric and/or garments featuring a design which is substantially similar to Subject Design A and Subject Design B (hereinafter "Subject Product") without

Plaintiff's authorization, including but not limited to products sold by Bloomingdales under Style No.: RJ41510 and the "Aqua" label.

13. An image of the Subject Designs and an exemplar of the Subject Product are set forth hereinbelow:

Subject Design A

Subject Design B

Subject Product

Subject Product Close-up

FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

14. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

15. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Design A and Subject Design B (the "Subject Designs"), including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Designs.

16. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed the Subject Designs in that said garments were composed of fabric which featured an unauthorized design that was identical or substantially similar to the Subject Designs, or were an illegal modification thereof.

17. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyrights by creating, making and/or developing directly infringing and/or derivative works from the Subject Designs and by producing, distributing and/or selling the Subject Product through a nationwide network of retail stores, catalogues, and through on-line websites.

18. Due to Defendants', and each of their, acts of infringement, Plaintiff has

suffered damages in an amount to be established at trial.

19. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained profits they would not otherwise have realized but for their infringement of the Subject Designs. As such, Plaintiff is entitled to disgorgement of Defendants', and each of their, profits attributable to the infringement of the Subject Designs in an amount to be established at trial.

20. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff's copyrights in the Subject Designs;

b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;

c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;

d. That Plaintiff be awarded pre-judgment interest as allowed by law;

e. That Plaintiff be awarded the costs of this action; and

f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: February 21, 2017

By: */s/ David Shein*

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Design Collection, Inc.